

# **Malibu City Council** **Amended<sup>1</sup> Special Meeting Agenda**

**Tuesday, May 29, 2001**

**5:00 P.M. - CLOSED SESSION**  
**City Hall - Large Conference Room**  
**23555 Civic Center Way**

**6:30 P.M. - REGULAR CITY COUNCIL MEETING**  
**HRL Auditorium**  
**3011 Malibu Canyon Road**

**Five p.m. Closed Session**

*This time has been set aside for the City Council to meet in a closed session to discuss matters pertaining to a Real Estate matter pursuant to Government Code Section 54956.8, existing litigation pursuant to Government Code Section 54956.9(a) and personnel matters pursuant to Government Code Section 54957. The City Attorney will give an additional oral report regarding the closed session at the beginning of the next regular City Council meeting.*

**Existing litigation per Government Code Section 54956.9 (a):**

1. Gibbs v. City of Malibu Los Angeles County Superior Court Case No. BS0593621
2. City of Malibu v. Santa Monica Conservancy (Streisand Center)  
Ventura County Superior Court No. 193900

**Real Estate negotiation matters pursuant to Government Code Section 54956.8:**

3. Property located at: 24200 Pacific Coast Highway  
City Negotiator: Council Ad Hoc Committee  
Property Negotiator: Crummer Foundation and Trust
4. Property located at: 23801 Stuart Ranch Road  
City Negotiator: Council Ad Hoc Committee  
Property Negotiator: Yamaguchi Tokiye Trust

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<sup>1</sup> See new Closed Session Agenda Item No. 10, new Item No. 3.B.13., and amended Item No. 5.A.

5. Property located at: 23833 Stuart Ranch Road  
City Negotiator: Council Ad Hoc Committee  
Property Negotiator: Yamaguchi Tokiye Trust
6. Property located at: 23401 Civic Center Way  
City Negotiator: Council Ad Hoc Committee  
Property Negotiator: Shultz Jack & Pearl Family LTD Partnership
7. Two Vacant Lots off Stuart Ranch Road  
APN: 4458-022-012  
APN: 4458-022-019  
City Negotiator: Council Ad Hoc Committee  
Property Negotiator: Pepperdine University

**Personnel matters pursuant to Government Code Section 54957:**

8. Public Employee  
Title: Assistant City Manager
9. Public Employee  
Title: City Manager

**Conference with Labor Negotiator pursuant to Government Code Section 54957.8:**

10. Unrepresented employee: Assistant City Manager  
Agency Negotiator: Interim City Manager

**Six-thirty p.m. Regular Session**

*Public Hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.*

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Approval of Agenda

Report on Posting of Agenda - May 18, 2001

**1. Ceremonial/Presentations**

- A. Proclamation declaring June 9, 2001, as California AidsRide Day

**2. Written and Oral Communications from the Public**

- A. Communications from the Public concerning matters which are not on the agenda

but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.

- B. City Council Subcommittee reports/Mayor and Councilmember reports and inquiries.

**3. Consent Calendar**

- A. Previously Discussed Items

None.

- B. New Items

1. Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

Staff contact: City Attorney Amerikaner 456-2489 ext. 266

2. Approve warrants

Staff recommendation: To allow and approve warrant demand numbers 16604 through 16707 listed on the attached register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 234 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks in a total amount of \$258,836.69.

Staff contact: Administrative Services Director James 456-2489 ext. 224

3. Approval of Minutes

Staff recommendation: Approve minutes of April 23, 2001 Regular City Council meeting.

Staff contact: Interim City Clerk Pope 456-2489 ext. 228

4. Renewal of General Services Agreement with L.A. County

Staff recommendation: Approve General Services Agreement

Staff contact: Administrative Services Director James 456-2489 ext. 224

In order to perform certain general services for municipalities within its jurisdiction, Los Angeles County requires adoption of a General Services Agreement every five years. This agreement allows the County to provide for such functions as direct assessment collection, prosecution of City ordinances, and various public works activities.

5. Denial of Claim for Damages filed by Malibu La Costa Owners Association

Staff recommendation: Deny the claim, pursuant to the direction of the City's Claim Management Adjusters.

Staff contact: Interim City Clerk Pope 456-2489 ext. 228

This claim was filed against the City alleging that the City was negligent and bears responsibility for property damage. The Government Code requires the City to take action on a claim to commence the running of the six month statute of limitations within 45 days of receipt of the claim.

6. Parcel Map No. 25773 (Rollins - Cavalleri Road) - Approval of Final Map for Recordation

Staff recommendation: Approve the final Parcel Map No. 25773 for recordation by adoption of Resolution No. 01-023.

Staff contact: City Engineer Morgan 456-2489 ext. 247

The City Planning Commission conditionally approved this subdivision on April 17, 2000, to divide a 2.79 acre site into four single family residential lots. All of the conditions of approval have been met and the City Council has a ministerial duty to approve the final map.

7. Environmental Consultant (Christopher A. Joseph & Associates) proposal to prepare an Environmental Impact Report (EIR) for the La Paz Office and Retail Project.

Staff recommendation: Authorize City Manager to execute a contract for professional services with Christopher A. Joseph & Associates (CAJA) for the preparation of the EIR.

Staff contact: Planning Director Hogan 456-2489 ext. 234

The California Environmental Quality Act mandates that information regarding any potential significant environmental impacts be gathered for consideration prior to taking action on a development application. This item will approve the agreement between the City and the environmental consulting firm, Christopher A. Joseph Associates, for the preparation of an EIR for the La Paz project located on the north side of Civic Center Way approximately 400 feet west of Cross Creek Road. The cost of the EIR consultant is born by the applicant.

8. Award of Construction Contract, Curb Ramp Installation, CIP 01-02

Staff recommendation: Award a contract to Damon Construction Company of Carson in the amount of \$39,000.00 for the installation of curb ramps.

Staff contact: Public Works Director Bergson 456-2489 ext. 225

This item would approve the contract with Damon Construction Company for installation of new handicapped access ramps. The project will be funded with Community Development Block Grant (CDBG) funds.

9. Re-affirm the State of Local Emergency Declared by the Director of Emergency Services on March 9, 2001 relating to the Landslide Road Failure at Corral Canyon

Staff recommendation: Re-affirm the State of Local Emergency by minute order.

Staff contact: Interim City Manager Hogin 456-2489 ext. 226

As a result of the rainstorms in early March, landslides impaired Corral Canyon Road, forcing its partial closure and creating a condition dangerous to the public health and safety. This action would extend the state of local emergency declared as the City responds to the situation and attempts to repair the area.

10. Professional Services Agreement with Hatch & Parent

Staff recommendation: Approve Professional Services Agreement with the law firm of Hatch & Parent, LLP.

Staff contact: Interim City Manager Hogin 456-2489 ext. 226

This action would approve an agreement with Hatch & Parent under substantially the same terms as the City's current agreement with Hatch & Parent. The contract is necessary in order for Steve Amerikaner to serve as special counsel to the City.

11. Groves v. City of Malibu: Settlement Agreement

Staff recommendation: Approve and authorize the City Manager to execute a Settlement Agreement in this case.

Staff contact: Interim City Manager Hogin 456-2489 ext. 226

The lawsuit relates to a landslide which damaged property at 24254 Malibu Road. The case has been settled by an agreement to pay the plaintiffs

\$175,000, of which no City funds will be required.

12. Energy Conservation

Staff recommendation: Adopt Resolution No. 01-26, declaring the need for energy conservation, setting a goal of 7% reduction in energy consumption for City facilities, and urging the community to do the same.

Staff contact: City Engineer Morgan 456-2489 ext 247

The State of California is experiencing a serious energy crisis and the Governor has requested that City agencies reduce consumption by at least 7%. This item commits the City to that goal.

13. Employment Agreement for Assistant City Manager

Staff recommendation: Approve agreement.

Staff contact: Interim City Manager Hogin 456-2489 ext 226

4. Ordinances and Public Hearings

*This portion of the agenda is for ordinances and for advertised hearing items where formal public testimony on each item is received prior to City Council action; the public hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.*

A. Zone Text Amendment 01-001 & Negative Declaration 01-002 - A proposal to amend Section 9.3.03.A19 of the Residential Development Standards of the Malibu Municipal Code regarding Home Occupations

Staff recommendation: Introduce on first reading Ordinance No. 222, adopting Negative Declaration 01-002 and Zone Text Amendment 01-001 and approving the zone text amendment.

Staff contact: Planning Director Hogan 456-2489 ext. 234

This item amends the City's regulations relating to Home Occupations. Under the proposed ordinance no permit is required for home occupations involving less than six employees or students and which meet certain requirements.

B. Zone Text Amendment 01-003 - A proposal to amend Article IX, Chapter 9.3.90, Cultural Resources of the Municipal Code.

Staff recommendation: Introduce on first reading, Ordinance No. 221, adopting Negative Declaration 01-003 and Zone Text Amendment 01-003 and approving the zone text amendment.

Staff contact: Planning Director Hogan 456-2489 ext. 234

This is an amendment to the Cultural Resources section of the Interim Zoning

Ordinance. It simplifies the process for review of potential impacts of development projects on cultural resources and clarifies who can be a cultural resources monitor.

C. Consideration of Local Coastal Plan

Staff recommendation: Conduct public hearing and approve Resolution No. 01-25, adopting the local coastal plan dated May 2001, certifying that the local coastal program is intended to be carried out in a manner fully in conformity with the Coastal Act and directing staff to submit the LCP along with all required materials to the Coastal Commission.

Staff contact: Planning Director Hogan 456-2489 ext 234

D. Presentation of 2001-2002 Proposed Budget

Staff Recommendation: Hold public hearing, accept public comment, and continue hearing until June 11, 2001.

Staff contact: Administrative Services Director James 456-2489 ext. 224

5. Old Business

A. Civic Center Village Guidelines - A conceptual design for circulation as well as a comprehensive set of design guidelines for public spaces and private projects.

~~Staff recommendation: 1) Open the hearing for public comment on the Guidelines; 2) Close public comment and provide direction to Staff; 3) Adopt Resolution No. 01-24 establishing a concept for circulation as well as design guidelines for public spaces and private projects within the Civic Center, as recommended by the Planning Commission, with the proposed changes by Staff.~~

Staff recommendation: Continue to June 11, 2001.

Staff contact: Planning Director Hogan 456-2489 ext 234

This is a proposed document which would provide guidance to the Council in making decisions on potential projects requesting development agreements in the Civic Center area.

6. New Business

A. Special Park Bond Election Schedule

Staff contact: Interim City Manager Hogin ext. 226

This item was prepared at the City Council's request to inform the Council regarding the statutory deadlines for calling and holding a Special Bond Election in



November 2001.

## **Adjournment**

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### **Future Meetings**

Mon., June 11, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium
Mon., June 25, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium
Mon., July 9, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium
Mon., July 23, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium

### **Guide to the City Council Proceedings**

**The Oral Communication** portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the City Council. No action may be taken under this section except to direct staff unless the Council, by a two-thirds vote, determines that the need to take action arose after the posting of the agenda or that the item presents an emergency situation for which action is required prior to the next regularly scheduled meeting of the City Council. Although no action may be taken on these non agenda items, the Council and staff will follow up on those items needing response. Each speaker is limited to (3) three minutes. Time may be surrendered by deferring (1) one minute to another speaker, on the same item, not to exceed a total of (8) eight minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available at the Chamber doors). Speakers are taken in the order slips are submitted.

**Items in Consent Calendar Section A** have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

**Items in Consent Calendar Section B** have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar and will be considered individually. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from Consent Calendar will be taken up by the Council following the action on the consent calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers are limited to (3) three minutes each. If a speaker slip is submitted late the speaker's time will be limited to (2) minutes. If more than 10 speaker slips are submitted each speaker's time will be limited to (2) two minutes each.

**Items set for Public Hearing** commence at 7:30 p.m. or as soon thereafter as practicable. At that

time the City Council will stop its other proceedings and move directly to Public Hearing items. At the conclusion of Public Hearings the City Council will continue the agenda where it left off. For Public Hearings involving zoning matters the appellant will be given 15 minutes to present their position to the City Council, including rebuttal time. All other testimony shall be limited to (3) three minutes per person and follow the rules as set forth under Oral Communication.

**Items in Old Business** are items which have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision. **Items in New Business** are items which are appearing for the first time for formal action. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision.

**Items in City Council Items** are items which individual members of the City Council may bring up in terms of reporting to other members of the City Council, to propose future agenda items or to suggest future staff assignments. Items discussed under City Council Items follow the same rules as set forth under Oral Communications in terms of the actions the City Council may take on any item brought up under this portion of the agenda. Each Councilmember's oral item presentations are limited to four minutes. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

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*City Council meetings are aired on City of Malibu Government Access Channel 15. Broadcasts on Channel 15 occur at 8:00 a.m. and 8:00 p.m. Monday, Wednesday and Friday, Tuesday and Thursday at 8:00 p.m., and at 2:00 p.m. on both Saturday and Sundays. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23555 Civic Center Way, Malibu, California and are available for public inspection during regular office hours which are 8:30 a.m. to 5:00 p.m., Monday through Friday. Copies of staff reports may be purchased for \$0.25 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting at the Malibu City Offices, Malibu Community Center at Point Dume and Malibu Community Library. The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Building & Safety Director Victor Peterson, (310) 456-2489, ext. 251. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]*